

David H.S. Commins (CSBN 124205)  
Kenneth C. Webster (CSBN 179058)  
COMMINS & WEBSTER, P.C.  
400 Montgomery Street, Suite 200  
San Francisco, CA 94104  
Tel (415) 391-6490  
Fax (415) 391-6493  
david@commins.com  
ken@commins.com

Attorneys for Plaintiff  
Shoreline Capital Management, Ltd.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SHORELINE CAPITAL MANAGEMENT,  
LTD., a British Virgin Islands company  
limited by shares,,

No. CV 08 0121 JW

Plaintiff,

vs.

XIAOBING SUN, an individual, also known  
as DANIEL SUN,

Defendant.

[PROPOSED] ORDER GRANTING  
*EX PARTE* APPLICATION FOR  
TEMPORARY RESTRAINING ORDER  
AND ORDER TO SHOW CAUSE RE  
PRELIMINARY INJUNCTION, AND  
GRANTING LEAVE TO CONDUCT  
EXPEDITED DISCOVERY

[PROPOSED] ORDER GRANTING *EX PARTE* APPLICATION FOR TRO AND OSC RE  
PRELIMINARY INJUNCTION, AND GRANTING LEAVE TO CONDUCT EXPEDITED  
DISCOVERY

1 This matter came before the Court this \_\_\_\_ day of January, 2008 on Plaintiff Shoreline  
2 Capital Management, Ltd.'s (Shoreline's) Complaint, *Ex Parte* Application for Temporary  
3 Restraining Order and Order to Show Cause Re Preliminary Injunction, And for Leave To  
4 Conduct Expedited Discovery, and Supporting Declarations of Benjamin Fanger, Linlin Gong,  
5 Haiqiang Huang, Wei Wang, Yan Wen, Yonghui Wu, Linyu Yang, Weihong Ye, Xiaolin Zhang,  
6 and Deguang Zheng. Due notice was given to Defendant Xiaobing Sun of Shoreline's  
7 Application.

8  
9 The Court, having considered the papers submitted by and the argument of counsel, finds  
10 as follows:

- 11
- 12 1. Shoreline's rights with respect to its property, proprietary and confidential  
13 information, competitive interests, and contractual rights with Defendant are  
14 being and will continue to be violated by Defendant unless Defendant is restrained  
15 in the manner set forth below.
  - 16
  - 17 2. Shoreline will suffer irreparable harm and loss if Defendant is permitted to: (a)  
18 convert Shoreline's property for his own use and that of Shoreline's direct  
19 competitor, Asia LTI, Defendant's new company and new employer, and (b)  
20 solicit Shoreline's investment customers, bankers and investment managers that  
21 are its vendors, and employees
  - 22
  - 23 3. Shoreline has no adequate remedy at law.
  - 24
  - 25 4. Greater injury would be inflicted upon Shoreline if temporary injunctive relief  
26 were denied than will be incurred by Defendant if the requested relief is granted.
  - 27

1                   5.       The public interest would be served by a grant of the requested relief.

2  
3                   THEREFORE, it is hereby ordered that

4  
5           A.       A Temporary Restraining Order shall issue immediately. Defendant Xiaobing  
6                   Sun is hereby enjoined and restrained, directly or indirectly, whether acting alone  
7                   or in concert with others, including any officer, agent representative, or employee  
8                   of Asia LTI from:

9  
10           1.       Soliciting any business from any Shoreline client, customer or vendor  
11                   whom Defendant Sun served during his employment with Shoreline, or  
12                   any other client, customer or vendor whose name became known to  
13                   Defendant Sun while in the employ of Shoreline (for purposes of this  
14                   Order, Shoreline shall include Shoreline Capital Management, Ltd., as  
15                   well as its wholly owned subsidiary, Shoreline Capital Consulting  
16                   (Shenzhen) Co., Ltd. (Shoreline Shenzhen), and Guangzhou United, the  
17                   onshore agent of Shoreline Shenzhen.

18  
19           2.       Contacting for business purposes, whether in person, through others, by  
20                   telephone or in writing, any client, customer or vendor of Shoreline whom  
21                   Defendant Sun served during his employment with Shoreline, or any other  
22                   client, customer or vendor whose name became known to Defendant Sun  
23                   while in the employ of Shoreline;

24  
25           3.       From soliciting for employment any current employee of Shoreline;

1                   4.     Using, disclosing, or transmitting for any purpose (including but not  
2                             limited to the solicitation of said clients, customers, vendors and  
3                             employees of Shoreline), the names, addresses, telephone numbers, and  
4                             other contact information as well as any financial information of any of  
5                             said clients, customers, vendors and employees of Shoreline, any  
6                             information contained in Shoreline's records, including but not limited to  
7                             the financial model known as The Shoreline Pricing Model or The  
8                             Shoreline Debt Pricing Model, and any of Shoreline's Potential Investment  
9                             Lists.

10  
11           B.     Defendant is hereby ordered to return to Shoreline as promptly as possible all  
12                   originals copies, or other reproductions in whatever form of the names, addresses,  
13                   telephone numbers, and other contact information as well as any financial  
14                   information of any of Shoreline's clients, customers, vendors and employees, any  
15                   information contained in Shoreline's records, including but not limited to the  
16                   financial model known as The Shoreline Pricing Model or The Shoreline Debt  
17                   Pricing Model, and any of Shoreline's Potential Investment Lists.

18  
19           C.     Defendant is hereby ordered to return to Shoreline as promptly as possible all  
20                   originals copies, or other reproductions in whatever form of any Shoreline  
21                   document or other form of recorded information.

22  
23           D.     Defendant is hereby ordered to return to Shoreline as promptly as possible any of  
24                   Shoreline's computer equipment in his possession, custody or control, as well as  
25                   any Shoreline computer software, hardware or data he may possess, have custody  
26                   of or control.

- 1 E. Defendant shall promptly make available for immediate inspection by Shoreline  
2 or its expert all computer environments used by Defendant, including but not  
3 limited to desktop, laptop, and hand-held computers, personal digital assistants,  
4 cell phone address books and memos, whether they be utilized at Asia LTI,  
5 Defendant's residence or elsewhere.
- 6
- 7 F. This Order shall remain in full force and effect pending further order of this Court.  
8 This case is set for a hearing on Shoreline's Motion for Preliminary Injunction on  
9 \_\_\_\_\_, 2008 at \_\_\_\_\_. Defendant shall file any  
10 opposition papers by no later than \_\_\_\_\_, 2008, and Shoreline  
11 shall file any reply papers by no later than \_\_\_\_\_, 2008.
- 12
- 13 G. The parties are granted leave to commence discovery immediately in preparation  
14 fo the preliminary injunction hearing, and to conduct depositions of parties and  
15 employees and principals of Asia LTI on five days' notice (15 days' notice if the  
16 depositions are to occur outside the United States); and to require that responses  
17 to requests for documents be served within five days.
- 18
- 19 H. In view of the nature of the controversy,  
20 \_\_\_\_\_ no bond is necessary;  
21 \_\_\_\_\_ Shoreline shall post a bond in the amount of \$ \_\_\_\_\_, to be issued  
22 no later than \_\_\_\_\_.
- 23

24 DATED: January \_\_, 2008.

25 \_\_\_\_\_  
Unites States District Judge